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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/811,175

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Anthony P. Priesgen

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03/01/2006

PETER C. STOMMA
Suite 1030
250 E. Wisconsin Avenue
Milwaukee, WI 53202

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/811,175 | Applicant(s) PRIESGEN, ANTHONY P. | |
| | Examiner Hilary Gutman | Art Unit 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,8,10-12,14,17-23,27-29,33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,7,8,10-12,18-20,37,40 and 41 is/are allowed.
- 6) ☒ Claim(s) 21-23,36,38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 14 and 17 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/7/05.

Claim Objections

2. Claims 14 and 17 are objected to because of the following informalities: these claims depend upon canceled claims. For the purposes of examination these claims will not be treated on the merits. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitations "a beam", "a top wall", "a bottom wall", and "a pair of side walls" in line 2. There is insufficient antecedent basis for these limitations in the claim. Perhaps "wherein the elongated member includes a beam having a top wall and a bottom wall and a pair of side walls," (lines 1-2) should be deleted altogether as being repetitious.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 36, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Youmans.

Youmans teaches a slide mechanism including an elongated member 110, a slot 113 having a gap width, a channel 112, a carriage bolt 122, a guide 126, and a threaded neck 128. As depicted in Figures 3 and 4, the channel is configured to maintain the head adjacent the slot. Regarding claim 39, elements 119 and 121 (Figure 4) are considered to be side portions of a horizontal plate. Additionally, Youmans teaches a trailer and a tie-down assembly 90.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beck (5,409,335) in view of Yanke (4,969,784) and Herrick et al. (6,030,159).

Beck discloses a trailer frame 10 for transporting a load, the trailer frame supported on an axle and a pair of wheels (not numbered, see Figure 1), comprising: a tie-down assembly 14 configured to secure the load 13; and a slide mechanism 16 (Figures 2-4) configured to slidably couple the tie-down assembly to the trailer frame, the slide mechanism including: an elongated member 15 having an axial length, including a slot extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot.

Beck lacks the recited tie-down assembly and slide mechanism of the claimed invention including a carriage bolt with a head.

Yanke '784 teaches a slide mechanism for mounting a tie-down assembly. The slide mechanism is configured to slidably coupled the tie-down assembly to a pickup frame, the slide mechanism including an elongated member 27 having an axial length, including a slot (Figure 2) extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot; and a carriage bolt 53 with a head having a width that exceeds the gap width of the slot; wherein: the channel is configured to maintain the carriage bolt head adjacent to the slot; and the carriage bolt 53 is configured to receive the tie-down assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the slide mechanism of Yanke in place of the slide mechanism of Beck in order to allow the tie-down assembly to be tightened and secured at any location along the elongated member for easier securement of loads being hauled.

Beck, as modified, further lacks the specific tie-down assembly.

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Herrick et al. '159 teach the prior art (as shown in Figure 1) having a tie-down assembly including a ring having a linear portion; and a mounting plate configured and capable of being coupled to a deck, the mounting plate including a raised portion configured to receive the linear portion of the ring and an opening to receive bolts 18.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the ring and mounting plate of Herrick et al. in place of the tie-down assembly of Beck, as modified, in order to allow the ring to be moved between an upright position when securing cargo and a downward position when not in use.

Allowable Subject Matter

9. The indicated allowability of claims 36, 38, and 39 is withdrawn in view of the newly discovered reference(s) to Herrick et al. (Figure 1). Rejections based on the newly cited reference(s) follow.

10. Claims 1, 7-8, 10-12, 18-20, 37, and 40-41 are allowed.

11. Claims 21-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered. However, applicant has made no attempt to dispute the rejection of claim 23 which is hereby maintained.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hilary Gutman
February 17, 2006